

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	No. 08-01789 (SMB) SIPA LIQUIDATION (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, Plaintiff, v. HSBC BANK PLC, et al., Defendants.	Adv. Pro. No. 09-01364 (SMB)

**DEFENDANT ALPHA PRIME FUND LIMITED'S
RESPONSES AND OBJECTIONS TO THE TRUSTEE'S
FIRST SET OF INTERROGATORIES**

Defendant Alpha Prime Fund Limited ("Alpha Prime"), by and through its undersigned counsel, responds and objects to the First Set of Interrogatories Pursuant to Fed. R. Civ. P. 33 and Fed. R. Bankr. P. 7033 ("Interrogatories") of Plaintiff, Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC

Alpha Prime Asset Management.

5. Describe the circumstances by which the “email communications” referred to in Todd Duffy’s June 28, 2016, email to Dominic Gentile (attached as Exhibit A) “were . . . printed off a server” and by which that server came to “no longer exist[].” In your answer, include the date(s) on which the email communications described in the June 28, 2016 email were printed, the person(s) involved with printing the email communications, the methodology used to select the email communications to be printed, the date as of which the server “no longer exist[ed],” the disposition of the server, the status and location of the server’s data and backups thereof, and any person(s) with knowledge of the disposition of the server and the status and location of the data and backups.

ANSWER:

Alpha Prime’s external server provider was an Austrian company, Project Partners (“PP”), which also hosted Alpha Prime’s website. In October 2007, a major break down of PP’s server occurred that caused a loss of an unknown number of e-mails, which could not be restored. The technical setup of the e-mail account was such that in order to save space on the server all documents attached to the outgoing mails were automatically removed after an e-mail was delivered (bottom line: “Anhang entfernt” [attachment removed] and only the name of the removed file).

In December 2008, the agreement with PP was terminated (as per the end of the year). PP delivered to Alpha Prime portable devices which contained a complete copy of all e-mails on its server. PP did not retain any further back up of AP’s e-mails on its server.

Subsequently, in periodic intervals, copies of the thumb drives were made to avoid data loss. In accordance with its discovery obligations, Alpha Prime handed over a copy of all the e-mails on portable devices as described above to its counsel DuffyAmedeo LLP to be produced to the Trustee.

CERTIFICATION

I certify under the pains and penalties of perjury that the foregoing answers made by Alpha Prime are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: August 23 2018

Alpha Prime Fund Limited

By: 

Peter Fischer